

KAMALA D. HARRIS
Attorney General of California
TAMAR PACHTER
Supervising Deputy Attorney General
SHARON L. O'GRADY
Deputy Attorney General
State Bar No. 102356
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 703-5899
Fax: (415) 703-1234
E-mail: Sharon.OGrady@doj.ca.gov
*Attorneys for Defendant Alex Padilla, Secretary of
State*

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

**VOTING RIGHTS DEFENSE PROJECT,
AMERICAN INDEPENDENT PARTY,
CLARA DAIMS, and SUZANNE
BUSHNELL,**

Plaintiffs,

v.

**ALEX PADILLA, in his official capacity as
Secretary of State and an indispensable
party, TIM DUPUIS, in his official capacity
as chief of the Alameda County Registrar of
Voters, JOHN ARNTZ, in his official
capacity as Director of the San Francisco
Board of Elections, AND DOES I-X,**

Defendants.

Case No. 3:16-cv-02739-WHA

**DECLARATION OF SHARON L.
O'GRADY IN SUPPORT OF
STIPULATION VACATING CASE
MANAGEMENT CONFERENCE**

Date: August 18, 2016
Time: 11:00 a.m.
Courtroom: 8
Judge: William Alsup
Trial Date: None set
Action Filed: May 20, 2016

I, Sharon L. O'Grady, declare as follows:

1. I am a Deputy Attorney General and represent Defendant Alex Padilla, Secretary of State in this action. I am submitting this declaration in support of the parties' Stipulation Vacating Case Management Conference. The facts set forth herein are based on my personal knowledge, and I could competently so testify if called as a witness.

1 2. Plaintiffs filed the complaint in this action on May 20, 2016. Plaintiffs filed an
2 amended complaint that same day. The amended complaint seeks declaratory and injunctive
3 relief relating the to June 7, 2016 presidential primary. On May 24, the Court set the Case
4 Management Conference in this matter for August 18, 2016.

5 3. On June 1, 2016, the Court denied plaintiffs' motion for a preliminary
6 injunction.

7 4. On June 14, 2016 Defendant Alex Padilla filed a motion to dismiss the
8 amended complaint. On June 15, 2016, defendant Tim Dupuis filed a joinder in that motion. On
9 June 20, Defendant John Arntz filed a motion to dismiss the amended complaint. The motions
10 ask that the amended complaint be dismissed without leave to amend. The hearing on these
11 motions is set for hearing on August 18, 2016. The grounds for the motion include, but are not
12 limited to, that this action is moot because the June 7 primary has now occurred, and Plaintiffs
13 now can obtain no effective relief relating to that election.

14 5. On July 8, 2016, Joshua White and I, on behalf of Defendants, met and
15 conferred telephonically with William Simpich, counsel for Plaintiffs. We agreed that it would
16 be appropriate to have the motion to dismiss heard and resolved before a case management
17 conference was held in this case, since resolution of Defendants' motions could dispose of all of
18 the issues in this case. Counsel subsequently communicated via e-mail concerning the terms of
19 the proposed stipulation.

20 6. There have been no previous time modifications in this case.

21 7. Except for the hearing on Defendants' motion to dismiss and this case
22 management conference, no schedule for this case has been set. Therefore the requested
23 continuance will not adversely affect the schedule for this case.

1 I declare under penalty of perjury under the laws of the United States and the State of
2 California that the foregoing is true and correct. Executed this 1st day of August, 2016, in San
3 Francisco, California.

4
5
6 /s/ Sharon L. O'Grady
Sharon L. O'Grady

7 SA2015102025
8 O'Grady Dec VRDP (2).doc
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28